

REMARKS

Claims 1-7 were examined and reported in the Office Action. Claims 1 and 4 are rejected. Claim 1 is amended. Claims 1-7 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 102(b)

It is asserted in the Office Action that claims 1 and 4 are rejected under 35 U.S.C. § 102(b), as being anticipated by Applicants' admitted prior art ("APA"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 1 contains the limitations of "[a] method for fabricating a ferroelectric random access memory device, comprising the steps of: forming a first inter-layer insulation layer on a substrate; forming a storage node contact connected with a partial portion of the substrate by passing through the first inter-layer insulation layer; forming a lower electrode connected to the storage node contact on the first inter-layer insulation layer; forming a second inter-layer insulation layer having a surface level lower than that of the lower electrode so that the second inter-layer insulation layer encompasses a bottom part of the lower electrode; forming an impurity diffusion barrier layer encompassing side walls of an upper part of the lower electrode on the second inter-layer insulation layer; forming a ferroelectric layer on the lower

electrode and the impurity diffusion barrier layer; and forming a top electrode on the ferroelectric layer.”

Applicant’s claimed invention asserts a step of “forming a second inter-layer insulation layer having a surface level lower than that of the lower electrode so that the second inter-layer insulation layer encompasses a bottom part of the lower electrode.” (See Claim 1, Applicant’s specification, page 9, lines 4-11).

APA discloses that a second inter-layer insulation layer having a planarized top surface encompasses the lower electrodes to isolate each adjacent lower electrode. That is, the second inter-layer insulation layer and the lower electrode have the same plane level (See Claim 1, Applicant’s specification, page 2, lines 10-14). Further, the impurity diffusion barrier layer of Applicant’s claimed invention encompasses the side walls of the upper part of the lower electrode on the second inter-layer insulation layer (See Claim 1, Applicant’s specification, page 9, lines 12-19), preventing the diffusions of the impurity contained in the second inter-layer insulation layer encompassing the lower electrodes (See Claim 1, Applicant’s specification, page 11, lines 16-27). Distinguishable, in APA, the ferroelectric layer is directly formed on the second inter-layer insulation layer and the lower electrodes.

Therefore, since APA does not disclose, teach or suggest all of Applicant’s amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to APA. Thus, Applicant’s amended claim 1 is not anticipated by APA. Additionally, the claim that directly depends on claim 1, namely claim 4, is also not anticipated by APA for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1 and 4 are respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 2, 3, 5, 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 1-7, as they now stand, are allowable for the reasons given above.



CONCLUSION

In view of the foregoing, it is submitted that claims 1-7 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: September 28, 2004

By: _____

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 28, 2004.

Jean Svoboda